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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,436	11/12/1999	JEFFREY MARK ACHTERMANN	AT9-99-655	9315

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EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/438,436		<b>Applicant(s)</b> ACHTERMANN ET AL.	
	<b>Examiner</b> Gregory G Todd		<b>Art Unit</b> 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 12 November 1999.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-33 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 12 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other:
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### **DETAILED ACTION**

This is a first office action in response to application filed, with the above serial number, on 12 November 1999 in which claims 1-33 are presented for examination. Claims 1-33 are therefore pending in the application.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 100. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "300", "308", "350" have been used to designate more than one object. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "306" has been used to designate multiple references in Fig. 3A and Fig. 4. A proposed drawing correction or corrected drawings are required in

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reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the drawings: "378". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because in Fig. 5, "Output obs" is informal. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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8. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

9. The disclosure is objected to because of the following informalities: Related and co-pending applications are to include a respective serial and/or patent number associated with them.

Appropriate correction is required.

#### ***Claim Objections***

10. Claims 2, 13, and 24 are objected to because of the following informalities: "an thread" is improper. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 23 recites the limitation "said instructions for determining if said job is available" in line 4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "error condition" in line 3 can be confused with the error condition in claim 27.

14. The disclosure is objected to because of the following informalities: The content of the specification is to include a Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

Appropriate correction is required.

15. Claims 8, 19, and 30 recite the limitation "said session in response to an error condition" in line 3. There is insufficient antecedent basis for this limitation in the claim.

16. Claims 10, 21, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Registering a callback method is not described in the disclosure to understand how the callback method is to be performed in relation to the expired time interval.

#### ***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

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published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

18. Claims 1-2, 12-13, and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Waldron, III et al (hereinafter "Waldron", 6,021,425).

19. As per Claims 1, 12, and 23, Waldron discloses a connection scheduling method wherein Waldron discloses:

- determining if a job is available for scheduling (scheduling tasks, readiness; implicitly determined) (at least Abstract; col. 5, lines 2-8);
- determining, in response to said step of determining if said job is available, if a session is available, wherein said session is included in a pool of sessions (threads), said pool of sessions having a preselected one of a set of priority levels corresponding to a priority level of said job and wherein said session effects an execution of said job (at least Fig. 2 references 109,110; Fig. 3a reference 208; col. 2, lines 8-13; col. 4, lines 35-39); and
- launching said session to effect said execution of said job, if said session is available (at least col. 2, lines 53-63).

20. As per Claims 2, 13, and 24.

- session comprises a thread (at least Fig. 2).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 3-11, 14-22, and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldron, III et al (hereinafter "Waldron", 6,021,425) in view of Barroux (hereinafter "Barroux", 6,182,110).

23. As per Claims 3, 14, and 25.

Waldron fails to explicitly disclose creating a connection to a target system for execution of job. However, the use and advantages for such a connection is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux Fig. 4 reference 404, Fig. 8 reference 802). Barroux discloses scheduling tasks over a network to a specific target node. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Barroux's scheduling of tasks to a remote processor with Waldron's system because this would enhance the expendability and compatibility of Waldron's system since it would allow for a thread of instructions and tasks to be operated and performed onto another endpoint or system and allow for one system to control a large dynamic group of systems.

24. As per Claims 4, 15, and 26.

Waldron fails to explicitly disclose determining if connection is an existing connection, and creating the connection is performed if connection is not an existing



connection. However, the use and advantages for identifying nodes is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 9, lines 27-34; col. 11, lines 30-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Barroux's node identification methods with Waldron's system because this would allow existing connections and newly found and created connections to receive the thread to be operated and performed on the remote system.

25. As per Claims 5, 16, and 27.

Waldron fails to explicitly disclose launching an error handling thread in response to an error condition, the error handling thread releasing said session. However, the use and advantages for using such an error handling procedure is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux Fig. 12, references 1210-1285). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's error handling procedures into Waldron's system because this would avoid processes being performed incompletely without any sort of notification, and instead allow the thread to be processed again to be correctly finished and complete, thereby ensuring the operation the thread is to perform, to indeed conclude.

26. As per Claims 6, 17, and 28.

Waldron fails to explicitly disclose changing value of a job state from a first value to a second value in response to said launching of said error handling thread. However, the use and advantages for using such an error handling procedure is well known to

one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux Fig. 12, references 1210-1280). Barroux discloses returning a different error code value dependant on the particular error thread. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's specific error handling values into Waldron's system because this would avoid processes being performed incompletely without any sort of notification, and instead allow the thread to be processed again to be correctly finished and complete and that a particular error be returned so that the problem can be resolved according to the particular condition.

27. As per Claims 7, 18, and 29.

Waldron fails to explicitly disclose first value signaling that the job is available for scheduling. However, the use and advantages for the first value denoting schedule availability is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux Fig. 12, references 1210, 1230, 1250, 1270). Barroux discloses returning a different error code value dependant on the particular error thread, wherein each thread returns a condition or value indicating, for example, that there is enough temporary storage and is thus available. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's specific error values indicating availability into Waldron's system because this would avoid processes or tasks being performed without any sort of notification that there is no way of the task completing in the first place and that the chance of it completing is not possible.

28. As per Claims 8 and 19.

Waldron fails to explicitly disclose retrying the steps of determining if a job is available for scheduling, determining if a session is available, and launching said session in response to an error condition. However, the use and advantages for retrying tasks is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 15-27). Barroux discloses repeating tasks and building another schedule based on the repetition. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's repeating tasks and schedules into Waldron's system because this would allow schedules that could not complete for some reason or schedules that need to be done on a recurring basis to be repeated.

29. As per Claims 9 and 20.

Waldron fails to explicitly disclose retrying to be repeated until a predetermined time interval has elapsed. However, the use and advantages for retrying tasks based on elapsed time is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 15-27, 37-55). Barroux discloses repeating tasks according to elapsed time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's repeating tasks and schedules based on elapsed time into Waldron's system because this would allow schedules that could not complete for some reason or schedules that need to be done on a recurring basis to be repeated on a specific recurring basis such as every day of the week.

30. As per Claims 10 and 21.

Waldron fails to explicitly disclose registering a callback method in response to an expiry of a predetermined time interval. However, the use and advantages for responding to an elapsed time expiration is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 15-27, 37-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's responding to an expiry of an elapsed time into Waldron's system because this would allow schedules that could not finish at one point in time to be performed at a later time and registering this with the system so as the same schedule can launch the tasks again.

31. As per Claims 11 and 22.

Waldron fails to explicitly disclose the steps of determining if a job is available for scheduling, determining if a session is available, and launching said session being performed in response to an invoking of a callback method by a target system, the target system for execution of said job. However, the use and advantages for a target system responding to an elapsed time expiration is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 15-27, 37-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's auto-installation on a target system responding to an expiry of an elapsed time into Waldron's system because this would allow schedules that could not finish at

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one point in time to be performed at a later time and registering this with the system so as the same schedule can launch the tasks again, and thus be automatically initiated by the target system when the target system is capable.

32. As per Claim 30.

Waldron fails to explicitly disclose retrying the steps of determining if a job is available for scheduling, determining if a session is available, and launching said session in response to an error condition. However, the use and advantages for retrying tasks is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 15-27). Barroux discloses repeating tasks and building another schedule based on the repetition. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's repeating tasks and schedules into Waldron's system because this would allow schedules that could not complete for some reason or schedules that need to be done on a recurring basis to be repeated.

33. As per Claim 31.

Waldron fails to explicitly disclose instruction for retrying to be repeated until a predetermined time interval has elapsed. However, the use and advantages for retrying tasks based on elapsed time is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 37-55). Barroux discloses repeating tasks according to elapsed time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's repeating tasks and schedules based on

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elapsed time into Waldron's system because this would allow schedules that could not complete for some reason or schedules that need to be done on a recurring basis to be repeated on a specific recurring basis such as every day of the week.

34. As per Claim 32.

Waldron fails to explicitly disclose programming for registering a callback method in response to an expiry of a predetermined time interval. However, the use and advantages for responding to an elapsed time expiration is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Barroux (at least Barroux col. 4, lines 15-27, 37-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Barroux's responding to an expiry of an elapsed time into Waldron's system because this would allow schedules that could not finish at one point in time to be performed at a later time and registering this with the system so as the same schedule can launch the tasks again.

35. As per Claim 33.

- instructions for determining if a job is available for scheduling, determining if a session is available, and launching said session are executed in response to an invoking of said callback method by a target system, said target system for execution said job.

### ***Conclusion***

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36. Silva et al, Hanif et al, Dixon et al, Herbert et al, Brackett et al, Marshall, Teng, Batra, Behm et al, Davis et al, Murray, Trugman, and Coffman et al and Ross et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

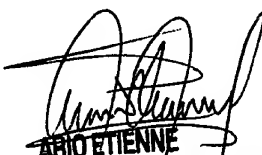
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9153 for regular communications and (703)305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



gt  
October 4, 2002



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SUPERVISORY PATENT EXAMINER  
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